

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>NATIONAL TRUST INSURANCE CO.,</b> <b>Plaintiff,</b>	)	
	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 10-00710-KD-C</b>
	)	
<b>MAGNOLIA ENTERPRISES, INC., et al.,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the Court on what has been styled as a Joint Motion To Continue Trial (Doc. 64). It appears that some, but not all, of the parties desire to continue the pretrial conference and trial in this matter until sometime after the state court trial in the Underlying Action, which is presently set for September 10, 2012. Though the motion bears the electronic signatures of counsel for Plaintiff National Trust Insurance Co. (“National Trust”), Defendant John G. Walton Construction Co., Inc., Defendant Volkert Construction Services, Inc., Defendant City of Mobile, and five of the defendants represented by the law firm of Burns, Cunningham & Mackey, P.C., the motion does not indicate whether more than a dozen other defendants — all but one of which is represented by the Burns, Cunningham, & Mackey firm — desire the continuance that the other parties now seek.

Accordingly, it is **ORDERED** that the defendants who apparently have not joined the “Joint” Motion To Continue Trial file Responses to the same on or before **Wednesday, April 4, 2012.**<sup>1</sup> Additionally, inasmuch as the Court suspects that at least some of those defendants did not

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<sup>1</sup> Specifically, the Court orders responses from Defendants Magnolia Enterprises, Inc., Julie Wheat, Ralph Wheat, Knot Just Beads, Inc., Bob Schwartz, Eileen Schwartz, McDuff & Allyn Studios, Inc., Midtown Dance Studio, Inc., Pharmacy Services Diversified, Inc., Jodi Silvio, Joseph Michael O’Bryan, Diane Caylor, Marianna Hanceri, and Midtown Antiques & Consignments.

join the Motion To Continue because their claims in the Underlying Action have been either dismissed or settled, Plaintiff National Trust is **ORDERED TO SHOW CAUSE** on or before **Wednesday, April 4, 2012**, as to why it has not yet moved to dismiss its pending federal claims against those defendants, per its previous representation to this Court. See Doc. 56 at 2 n.1 (“Most of the underlying plaintiffs have either settled or dismissed their claims. If the Court denies this Motion for Summary Judgment, National Trust will dismiss all of the underlying plaintiffs who are no longer pursuing claims.”).

The Clerk of Court is **DIRECTED** to send a copy of this order to *pro se* Defendant Joseph Michael O’Bryan at his address on file.

**DONE and ORDERED** this the **28<sup>th</sup>** day of **March 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DUBOSE**  
**UNITED STATES DISTRICT JUDGE**